



STANDARDS COMMITTEE - ASSESSMENT SUB-COMMITTEE

Closed meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 6th July, 2011
after the Standards Committee meeting has ended

MEMBERSHIP

Independent Members

Gordon Tollefson (Chair) Independent Member

Councillors

Councillor Colin Campbell

Councillor Elizabeth Nash

Parish Members

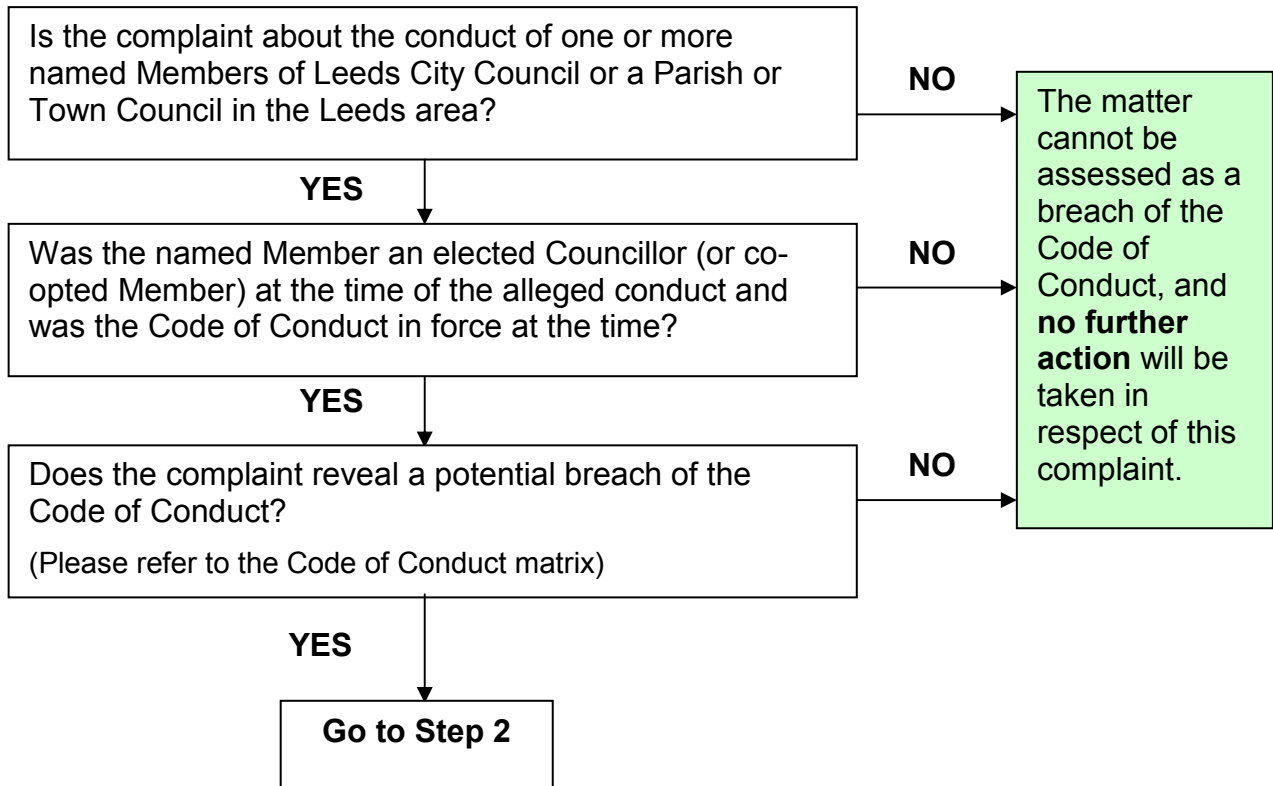
Councillor Mrs P Walker

A G E N D A

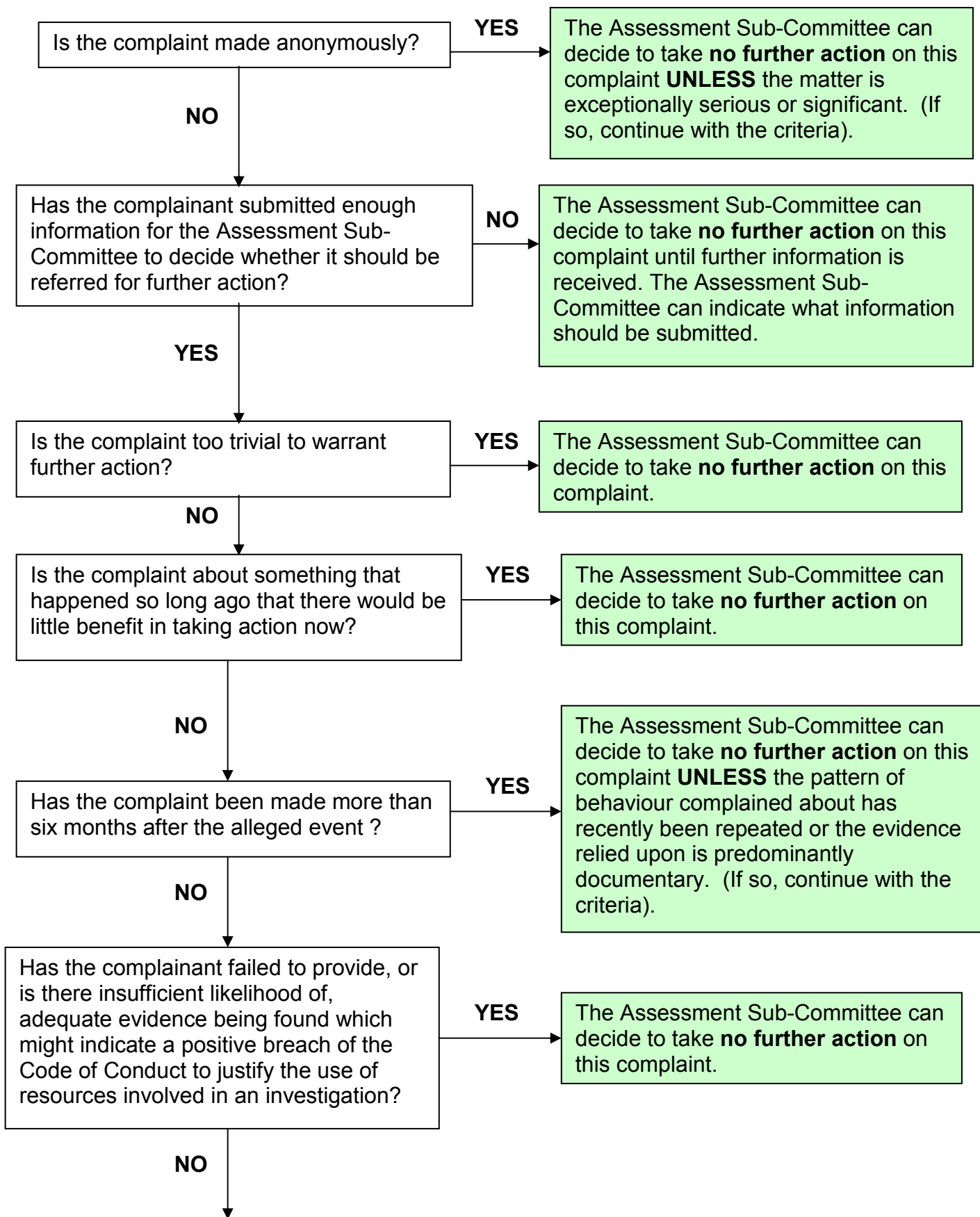
Item No	Ward	Item Not Open		Page No
1			<p>DECLARATIONS OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
2			<p>CASE REFERENCE 1112001</p> <p>To consider whether the complaint meets the initial tests as set out in the report, and decide what action to take in relation to the complaint.</p>	1 - 34
3			<p>LESSONS TO LEARN</p> <p>To consider any lessons to learn from the above cases, and to identify any Standards Committee procedures which may require revision.</p>	

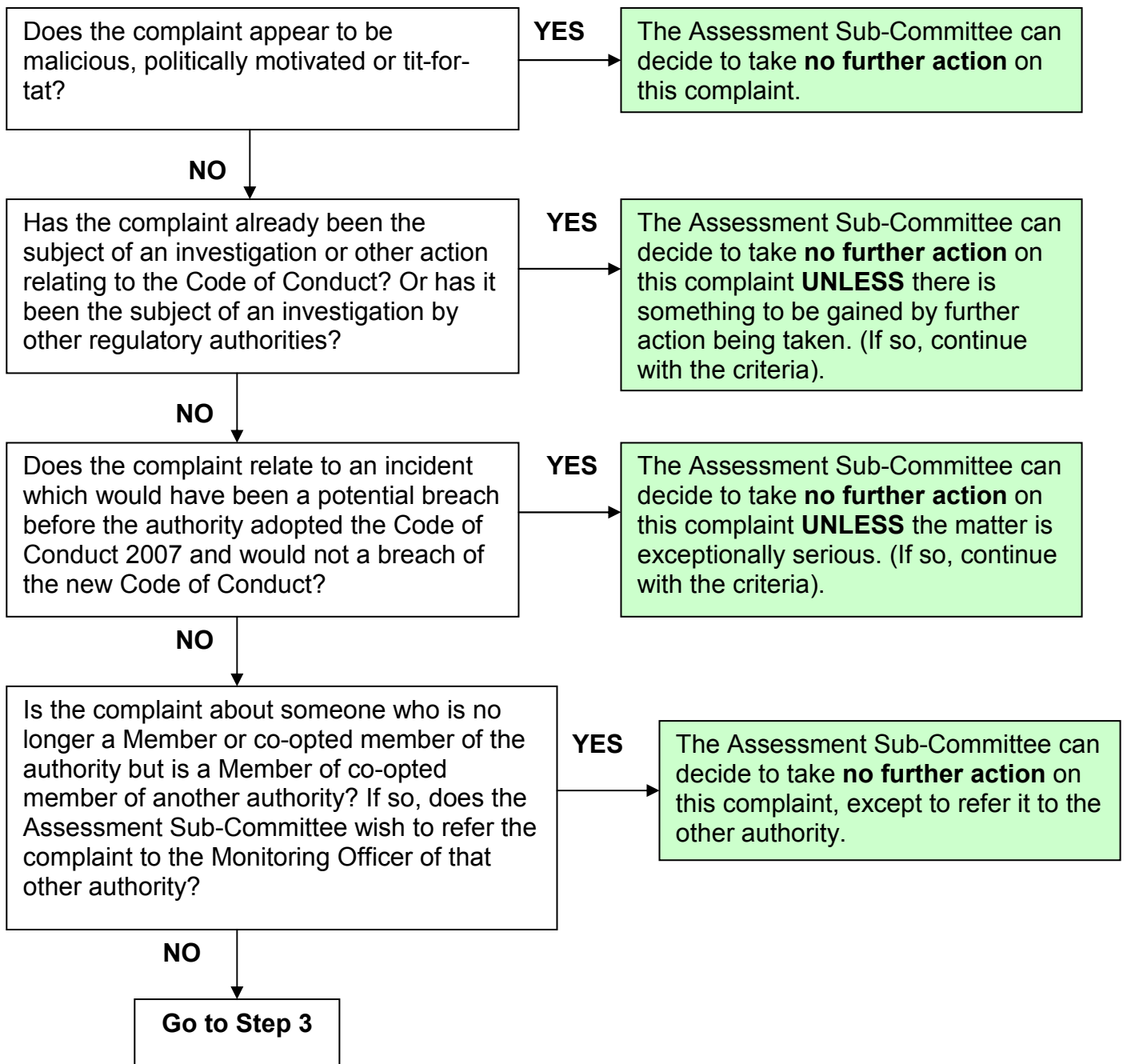
Assessment Flowchart

Step 1 - Initial Tests



Step 2 – Applying Assessment Criteria





Step 3 – Deciding what further action is appropriate

Would investigation of the matter be in the public interest and would it serve any useful purpose?

Consider the following factors:

- If proven to be true, would the alleged conduct undoubtedly warrant a sanction (except training)?
- If any "other action" were to fail, would investigation be the preferred course of action?
- Does the complaint fundamentally challenge the subject Member's honesty or integrity?

YES

Go to Step 4

NO

Does the case fall into any of the following categories?:

- There is evidence of poor understanding of the Code and/or the Council's procedures
- The matter involves a breakdown in relationships to such an extent that it is difficult to conduct the business of the Council e.g. evidenced by a pattern of allegations of minor disrespect, harassment or bullying
- The other action proposed would assist in the proper functioning of the Council
- The case involves the same breach of the Code by many Members
- The case involves misleading, unclear or misunderstood advice from officers
- There is evidence of a lack of experience or training
- The case involves interpersonal conflict
- There have been allegations and retaliatory allegations from the same Members
- The allegations are about how formal meetings are conducted
- The allegations may be symptomatic of governance problems within the Council, which are more significant than the allegations in themselves

YES

The Assessment Sub-Committee can refer the matter to the Monitoring Officer for **other action** (after consultation).

Step 4 – Deciding who should investigate

Does the complaint fall into any of the categories below?

- The status of the subject Member(s) makes it difficult to deal with e.g. the Leader, Executive Member, or Standards Committee Member.
- The status of the complainant(s) makes it difficult to deal with e.g. senior Member (as above), Chief Executive, Monitoring Officer or other senior officer.
- Too many Standards Committee Members have a conflict of interest in the matter.
- The Monitoring Officer or other officers have a conflict of interest and there are no suitable alternative arrangements.
- The case is too serious or complex, or involves too many Members, to be handled locally.
- The complaint requires substantial amounts of evidence not available from the Council, its Member or officers.
- There is substantial governance dysfunction in the Council or the Standards Committee.
- The complaint relates to long term systematic member/officer bullying which would be better investigated by someone external to the Council.
- The complaint raises significant or unresolved legal issues which require a national ruling.
- The public would perceive that the Council has an interest in the outcome of the case i.e. liable to judicial review.
- Exceptional circumstances prevent the Standards Committee from handling the case well, fairly and within a reasonable timescale.

YES

The Assessment Sub-Committee should **refer the matter to Standards for England** for investigation.

NO

The Assessment Sub-Committee can refer the matter to the Monitoring Officer for **Local Investigation**.

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Agenda Item 2

By virtue of Regulation 8(5) of the Standards Committee (England) Regulations 2008.

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the Standards Committee (England) Regulations 2008.

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